

Applicant: BARNETT *et al.*
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REMARKS

Further to the Decision on Appeal (Appeal No. 2007-0794) of the Board of Patent Appeals and Interferences (hereinafter "Board") mailed **August 7, 2008** (hereinafter "Decision"), claims 52, 56, 58, 60, and 63 have been cancelled without prejudice or disclaimer, and independent claims 47 and 57 have been amended. No claims have been newly added. Therefore, claims 47-51, 53-55, 57, 59, and 61-62 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

DECISION OF THE BOARD

A. In the Decision, the Board affirmed the rejection of claims 52 and 58 under 35 U.S.C. §112, ¶1 [see Decision, pg. 12, lines 12-13; and pg. 37, lines 24-25]. By this Amendment, claims 52 and 58 have been cancelled.

B. In the Decision, the Board affirmed-in-part the rejection of claims 47-51 and 53-60 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 4,882,675 to Nichtberger *et al.* ("Nichtberger") in view of U.S. Patent No. 5,380,991 to Valencia *et al.* ("Valencia") [see Decision, pg. 38, lines 1-3].

Because the rejection of dependent claim 56 was reversed [see Decision, pg. 30, lines 12-14; and pg. 38, lines 4-6], independent claim 47 has been amended to recite the features previously present in dependent claim 56 which depended directly therefrom. Accordingly, independent claim 47 is patentable over the Nichtberger/Valencia combination.

Similarly, because the rejection of dependent claim 60 was reversed [see Decision, pg. 31, lines 9-12; and pg. 38, lines 4-6], independent claim 57 has been amended to recite the features previously present in dependent claim 60 which depended directly therefrom. Accordingly, independent claim 57 is patentable over the Nichtberger/Valencia combination.

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C. In the Decision, the Board affirmed the rejection of claims 52 and 63 under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of Nichtberger and Valencia, further in view U.S. Patent No. 5,592,378 to Cameron *et al.* ("Cameron") [see Decision, pg. 34, lines 12-14]. By this Amendment, claims 52 and 63 have been cancelled.

D. In the Decision, the Board reversed the rejection of claims 47-63 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,227,874 to Von Kohorn in view of U.S. Patent No. 5,734,823 to Saigh *et al.* ("Saigh") [see Decision, pg. 37, lines 8-9; and pg. 38, lines 7-9]. As indicated above, independent claims 47 and 57 have been amended, and independent claim 63 has been cancelled. No other grounds of rejection were presented for independent claims 61 and 62, which are patentable over the Von Kohorn/Saigh combination.

In view of the foregoing, independent claims 47 and 57 are patentable over the combination of Nichtberger and Valencia, and independent claims 61 and 62 are patentable over the combination of Von Kohorn and Saigh.

Dependent claims 48-51 and 53-55 are allowable because they depend from allowable independent claim 47, as well as for the further features they recite. Dependent claim 59 is allowable because it depends from allowable independent claim 57, as well as for the further features it recites.

INTERFERENCE WITH U.S. PATENT No. 6,076,069 TO LAOR

For at least the reason that the claims are supported by the specification, patentable over the alleged prior art, and copy one or more issued claims from U.S. Patent No. 6,076,069 to Laor (hereinafter "Laor"), an interference-in-fact exists. In particular independent claim 47 of the instant application includes the features recited in claims 1 and 10 of Laor, while independent claim 57 of the instant application includes the features recited in claims 11 and 14 of Laor. Accordingly, Applicants request that such an interference be declared between the instant application, and U.S. Patent No. 6,076,069 to Laor.

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CONCLUSION

In view of the foregoing amendments, it is respectfully submitted that the application is in condition for allowance. Notice to that effect is respectfully requested. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: October 7, 2008

Respectfully submitted,

By:


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